

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MARK SCOTT CULBERTH,  
Plaintiff,

V.

THE TRAVELERS COMPANY, INC.  
Defendant.

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CIVIL ACTION NO. 1:20-CV-277

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**DEFENDANT THE TRAVELERS COMPANY, INC.'S NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, The Travelers Company, Inc. (“Defendant”) files its Notice of Removal to the United States District Court for the Western District of Texas, San Antonio, Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows the following. The Travelers Company, Inc. is not a legal entity. The Travelers Companies, Inc. (plural) is a legal entity. However, neither is a proper party to this lawsuit. Travelers Property Casualty Insurance Company of America issued the subject auto insurance policy under which Plaintiff seeks underinsured motorist benefits and is a proper party to this lawsuit. Plaintiff and Travelers Property Casualty Insurance Company of America are diverse in citizenship (Texas) and state of incorporation (Connecticut).

**I.**  
**FACTUAL BACKGROUND**

1. On or about February 4, 2020, Plaintiff Mark Scott Culberth filed his Original Petition in a case styled *Mark Scott Culberth v. The Travelers Company, Inc.*, Cause No. 2020CI02421, pending in the 37<sup>th</sup> Judicial District Court for Bexar County, Texas.

2. The Travelers Companies, Inc. (improperly named as The Travelers Company, Inc.) (“Travelers”) received service of the Original Petition and Request for Disclosures on

February 14, 2020. Travelers filed its Original Answer, Verified Denial and General Denial on March 5, 2020 and identified the proper entity to the suit as Travelers Property Casualty Company of America.

3. Defendant files this notice of removal within 30 days of this case becoming removable and within one year from the commencement of the action. *See* 28 U.S.C. §1446(b) and (c).

Simultaneously with the filing of this Notice of Removal, Defendant submits the following:

- **Exhibit A:** Index of the Bexar County District Clerk that clearly identifies each document and indicates the date the document was filed in state court.
- **Exhibit B:** Plaintiffs' Original Petition and Request for Disclosure (filed February 2, 2020)
- **Exhibit C:** Citation issued to The Travelers Company, Inc.
- **Exhibit D:** The Travelers Company, Inc.'s Original Answer, Verified Denial and General Denial (filed March 5, 2020)
- **Exhibit E:** The Travelers Company, Inc.'s Original Answer, Verified Denial and General Denial (filed again in error on March 6, 2020)
- **Exhibit F:** Bexar County District Court Docket Sheet.

**II.**  
**BASIS FOR REMOVAL**

4. Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

5. Upon information and belief, Plaintiff, Mark Scott Culberth a resident of the state of Texas at the time the lawsuit was filed.

6. The Travelers Companies, Inc. is, and was at the time the lawsuit was filed, incorporated under the laws of the state of Delaware.

7. Proper party Travelers Property Casualty Company of America is, and was at the time the lawsuit was filed, incorporated under the laws of the state of Connecticut, with its principal place of business in Connecticut.

8. As alleged in his Original Petition, Plaintiff stipulates that he seeks monetary relief of one million dollars (\$1,000,000). *See* Plaintiff's Original Petition, paragraph 21 (**Exhibit B**). Therefore, the amount in controversy exceeds the jurisdictional requirements for removal.

**III.**  
**THE REMOVAL IS PROCEDURALLY CORRECT**

9. Because it is being filed within 30 days after the case became removable and within one year from the commencement of the action, the removal is timely under 28 U.S.C. § 1446(b) and (c).

10. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

11. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

12. Promptly after Defendant files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

13. Promptly after Defendant files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Bexar County District Court pursuant to 28 U.S.C. §1446(d).

**IV.**  
**CONCLUSION**

Based upon the foregoing, the exhibits submitted in support of this Notice and other documents filed contemporaneously with this Notice and fully incorporated herein by reference, Defendant hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Jeff D. Otto  
Jeff D. Otto – Attorney in Charge  
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**ATTORNEYS FOR DEFENDANT  
THE TRAVELERS COMPANY, INC.**

**CERTIFICATE OF SERVICE**

By my signature above, I certify that a true and correct copy of the foregoing has been delivered by e-file on this the 16th day of March, 2020, to the following:

Bernardo Gonzalez  
Scott Walther  
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**ATTORNEYS FOR PLAINTIFF**